



**FLAVOR AND EXTRACT MANUFACTURERS  
ASSOCIATION OF THE UNITED STATES**

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August 16, 2005

Arthur Neal  
Director, Program Administration  
National Organic Program  
USDA-AMS-TMP-NOP  
1400 Independence Ave., SW  
Room 4008-So.  
Ag. Stop 0268  
Washington, D.C. 20250

Subject: Docket Number TM-04-07

Dear Mr. Neal:

On behalf of the Flavor and Extract Manufacturers Association of the U.S. (FEMA), I am pleased to submit the following comments in response to the request for comments, "National Organic Program, Sunset Review" 70 Fed. Reg. 35177 (June 17, 2005). FEMA is the national association of flavor manufacturers and represents the vast majority of flavor companies in the United States. FEMA members create flavors for use in a wide variety of food and beverage products including those certified under the National Organic Program regulations. The members of FEMA also include the suppliers of ingredients used in flavors.

FEMA Supports Allowance of Flavors as Ingredients in Organic Products

FEMA requests that the National Organic Standards Board (NOSB) renew the exemption allowing for the use of flavors, from non-synthetic sources only and not produced using synthetic solvents, carriers systems or any artificial preservatives, as nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as "organic" or "made with organic (specified ingredients or food groups)."

The Organic Foods Production Act (OFPA) provides a strong presumption in favor of the use of natural ingredients in organic products. Under the Act, the "National List" of approved and prohibited substances for use in organic products may prohibit the use of specific natural substances only under limited circumstances:

The National List may prohibit the use of specific natural substances in an organic farming or handling operation that are otherwise allowed under this chapter only if (A) the Secretary determines, in consultation with the Secretary of Health and Human Services and the Administrator of the

Environmental Protection Agency, that the use of such substance (i) would be harmful to human health or the environment; and (ii) is inconsistent with organic farming or handling, and the purpose of this chapter; and (B) the specific prohibition is developed using the procedures specified in subsection (d) of this section.

Therefore, USDA is permitted to prohibit natural substances only if the substances are “harmful to human health” or meet the other criteria above.

In the final rule published on December 21, 2000 establishing the National Organic Program, USDA included flavors on the National List under § 205.605. FEMA requests that the NOSB renew this allowance under the Sunset Review provisions of the OFPA.

#### Allowance of Flavors is Consistent with OPFA

The OFPA included the following statement of purposes: (1) to establish national standards governing the marketing of certain agricultural products as organically produced products; (2) to assure consumers that organically produced products meet a consistent standard; and (3) to facilitate interstate commerce in fresh and processed food that is organically produced, 7 U.S.C. § 6501. Continuing to allow the use of flavors, from nonsynthetic sources only, as nonagricultural substances allowed as ingredients in organic products, is consistent with the mandates of the Act. In addition, it will allow organic food and beverage producers to continue to utilize small quantities of these flavors to enhance the value of their products to organic food and beverage consumers.

#### FEMA Requests Renewal of Additional Items Allowed Under Section 205.605

In order to continue to deliver safe, stable and desirable products to their customers, FEMA asks that the NOSB renew the exemptions for the following items permitted under § 205.605, Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food groups):

(a) Nonsynthetics allowed:

Acids, citric and lactic

Colors

Enzymes

Sodium bicarbonate

Waxes - Carnauba

Yeast, autolysate; bakers; brewers; nutritional; and smoked

(b) Synthetics allowed:

Alginates  
Ascorbic acid  
Chlorine materials  
Glycerin  
Silicon dioxide  
Xanthan gum

FEMA Requests Renewal of Additional Items Allowed Under Section 205.606

FEMA also request the renewal of the exemptions allowing the use of the following nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food groups):

- (a) Cornstarch
- (b) Gums - water extracted only (Arabic, guar, locust bean, carob bean)
- (d) Lecithin, unbleached
- (e) Pectin

We are grateful for the opportunity to comment during the Sunset Review, and we are available to provide additional information to the NOSB.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Glenn Roberts', with a stylized, flowing script.

Glenn Roberts  
Executive Director